

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

FILED

2007 OCT -4 PM 1:05

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

DANIELLE SUPER, a minor, by and)
through her parent Norma Super,)

NORMA SUPER,)

Plaintiff)

v.)

No. 3-07-.0992

RUTHERFORD COUNTY BOARD OF)
EDUCATION,)

JOLENE WATSON,)

Defendants)

COMPLAINT

Introduction

1. This is an action for declaratory relief, injunctive relief, and money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the First and Fourteenth Amendments to the United States Constitution, and under the common law of the State of Tennessee, against Assistant Principal Jolene Watson ("Watson"), employee of the Rutherford County Board of Education ("Board"), in her individual and official capacities and against the Rutherford County Board of Education. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343, and on the pendent jurisdiction of this Court to entertain claims arising under state law.

2. It is alleged that the defendants violated plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution by prohibiting plaintiff from

entering and attending Smyrna High School while wearing a shirt with the writing "Free the Jena Six" printed on the front side. It is further alleged that these violations were committed as a result of policies and customs of the Board.

Parties

3. Danielle Super was at all material times a resident of Rutherford County, Tennessee, and a minor.

4. Norma Super was at all material times a resident of Rutherford County, Tennessee, the mother of Danielle Super, and of full age.

5. Defendant Assistant Principal Watson was at all times relevant to this complaint duly appointed and acting administrator of the Rutherford County Board of Education, acting under color of state law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Tennessee and/or Rutherford County, Tennessee

6. Rutherford County Board of Education is the educational arm of Rutherford County, Tennessee, which is a political subdivision within the State of Tennessee.

Facts

7. On or about September 20, 2007, at approximately 10:30 A.M., Danielle Super and her mother, Norma Super, arrived at Smyrna High School.

8. Norma Super accompanied her daughter into the school in order to sign in because Danielle had attended a march that morning in Nashville, Tennessee and was late.

9. Danielle Super, and her mother, were wearing solid black shirts except for the words "Free the Jena Six" written in white letters across the front of the shirts.

10. After informing the secretary that she needed to sign her daughter into school several school administrators appeared, including Watson. Watson told Danielle that she could not enter school wearing the shirt she was wearing.

11. Norma and Danielle asked why Danielle could not enter the school wearing the shirt, and Watson told them that the shirt “could cause a problem ”

12. After briefly protesting the decision Danielle left the school and changed shirts so she could enter the school

13. As a direct and proximate result of the said acts of the defendants, the plaintiff Danielle Super suffered violation of her constitutional rights under the First and Fourteenth Amendments to the United States Constitution

COUNT I 42 U.S.C. § 1983 Against Individual Defendant

14. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.

15. Plaintiff Danielle Super claims damages for the conduct set forth above under 42 U.S.C. § 1983 against defendant Watson for violation of her constitutional rights under color of law.

COUNT II Injunctive Relief

16. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.

17. Plaintiff Danielle Super seeks to enjoin Defendants from prohibiting Plaintiff from attending school while wearing the shirt described above.

COUNT III 42 U.S.C. § 1983 Against Rutherford County Board of Education

18. Paragraphs 1 through 13 are incorporated herein by reference as though fully set forth.

19. Prior to September 20, 2007, the Rutherford County Board of Education developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of students, which caused the violation of Danielle Super's rights.

WHEREFORE, the plaintiff requests that this Court:

- a. Award compensatory damages to plaintiff against the defendants, jointly and severally;
- b. Issue an injunction enjoining defendants from prohibiting students from entering school grounds wearing a shirt with the writing "Free the Jena Six";
- c. Award reasonable attorney's fees and costs to the plaintiff on Counts I, II, and III of the complaint;
- d. Award such other and further relief as this Court may deem appropriate.

Dated: October 4, 2007

DANIELLE SUPER,
NORMA SUPER,
BY



W. Alan Alder
Attorney for Plaintiff
1230 Second Ave. South
Nashville, Tennessee 37210